

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
CANAL INSURANCE COMPANY,

Plaintiff,

-against-

VERIFIED ANSWER TO  
COMPLAINT FOR  
DECLARATORY RELIEF  
AND INTERPLEADER

GINETTI TRUCKING, LLC, a Connecticut  
Limited Liability Corporation, BRUCE LAURITZEN,  
individually, EDDYS N. GARCIA, as Administrator of the  
Goods, Chattels and Credits which were of WENDY  
SANTOS, deceased; EDDYS N. GARCIA, individually;  
EDDY I. GARCIA, an infant by his father and natural  
guardian EDDYS N. GARCIA; KENNY GARCIA, an infant  
by his father and natural guardian, EDDYS N. GARCIA;  
OLGA GARCIA, individually, RAFAEL SALVADOR;  
KEYLIE SALVADOR, an infant by her mother and  
natural guardian, OLGA GARCIA, ANGEL RIVERA,  
individually, EDART LEASING COMPANY, LLC, A  
Massachusetts Limited Liability Corporation and  
DASILVA TAUNTON EXPRESS, a Massachusetts business  
entity, form unknown.

Docket No.: 08-CV-1588

Defendants.  
-----X

Defendants OLGA GARCIA, individually, RAFAEL SALVADOR, individually,  
KEYLIE SALVADOR, an infant by her mother and natural guardian OLGA GARCIA,  
by their attorneys, Yanover & Yanover, answering the Complaint for Declaratory Relief  
and Interpleader by CANAL INSURANCE COMPANY respectfully states as follows:

### INTRODUCTION

1. Denies knowledge or information sufficient to form a belief as to the allegations contained in paragraphs "11", "12" and "13".

### THE FACTS

2. Denies the allegations contained in paragraph "19" except admits that the two left side tandem tires on the rear axle of the 1978 tanker-trailer became dislodged from the rear axle as a result of which such tandem tires crossed the center median and impacted a 1994 Mercury Villager owned and operated by defendant, EDDYS N. GARCIA, and in which OLGA GARCIA, RAFAEL SALVADOR and KEYLIE SALVADOR, an infant by her mother and natural guardian, OLGA GARCIA were traveling as passengers and that said impact caused defendants to sustain serious bodily injuries.

3. Denies any knowledge or information as to the allegations contained in paragraph "20" as to whether ANGEL RIVERA sustained serious bodily injuries.

4. Denies the allegations contained in paragraph "21" except admits that RAFAEL SALVADOR and OLGA GARCIA both individually and as guardian for minor defendant KEYLIE SALVADOR brought a civil action in the Supreme Court, State of New York, County of Bronx which was removed to the U.S. District Court for the Southern District of New York.

5. Denies the allegations contained in paragraph "26" of the Complaint to the extent that it is alleged that plaintiffs' counsel continues to assert that the maximum limit CANAL is required to afford GINETTI is FIVE MILLION and 00/100 (\$5,000,000.00) DOLLARS.

Dated: Uniondale, New York  
June 4, 2008

Respectfully submitted,

  
YANOVER & YANOVER

ADAM C. YANOVER

Attorneys for Defendants

OLGA GARCIA, individually, RAFAEL  
SALVADOR and KEYLIE

SALVADOR an

infant by her mother and natural guardian  
OLGA GARCIA

50 Charles Lindbergh Blvd. Suite 400  
Uniondale, New York 11553  
(516) 390-4735

TO:

McELFISH LAW FIRM  
Attorneys for Plaintiff  
CANAL INSURANCE COMPANY  
1112 N. Sherbourne Drive  
West Hollywood, CA 90069

LESTER, SCHWAB, KATZ & DWYER  
Attorneys for Defendant  
GINNETTI TRUCKING, LLC  
120 Broadway  
New York, NY 10271

GAIR, GAIR, CONASON  
STEIGMAN & MACKAUF  
Attorneys for Defendants  
EDDYS N. GARCIA,  
EDDY I. GARCIA and  
KENNY J. GARCIA  
80 Pine Street  
New York, NY 10005

BRUCE LAURITZEN  
1011 Durham Road  
Madison, CT 06443

EDART LEASING COMPANY, LLC  
100 Wales Avenue  
Avon, MA 02322

DASILVA TAUNTON EXPRESS  
513 John Hancock Road  
Taunton, MA 02780

STATE OF NEW YORK )

:

S.S.:

COUNTY OF NASSAU )

ADAM C. YANOVER, the undersigned, an attorney admitted to practice in the Courts of New York State, states that he is a member of the firm of Yanover & Yanover attorneys for the defendants, RAFAEL SALVADOR, individually, OLGA GARCIA, individually, KEYLIE SALVADOR an infant by her mother and natural guardian OLGA GARCIA, in the within action; that deponent has read the foregoing Answer and knows its contents thereof; that the same is true to deponent's own knowledge, except as to the matters therein stated to be alleged upon information and belief, and that as to those matters, deponent believes them to be true. Deponent further states that the reason this verification is made by your deponent and not by the Defendants is/are that the Defendants is/are not within the county where deponent maintains his office.

The grounds of deponent's belief as to all matters not stated upon deponent's own knowledge are consultations had with the defendants and investigation and data in deponent's possession.

The undersigned affirms that the foregoing statements are true under the penalties of perjury.

Dated: Uniondale, New York  
June 4, 2008

/s/

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ADAM C. YANOVER

STATE OF NEW YORK            )  
  ) ss:  
COUNTY OF NASSAU            )

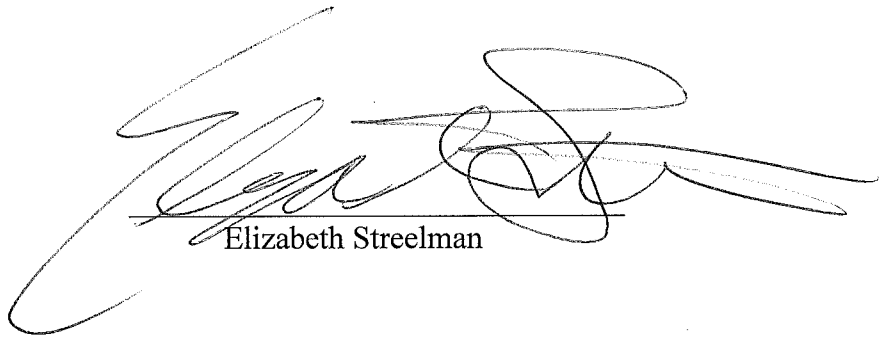
Elizabeth Streelman, being duly sworn, deposes and says:

That she is over eighteen years of age; is not a party to this action; and is employed by the attorneys for the plaintiff(s) herein. That on June 10, 2008 she served the within:

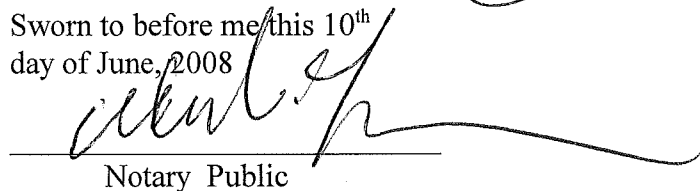
**VERIFIED ANSWER TO COMPLAINT FOR  
DECLARATORY RELIEF & INTERPLEADER**

upon the following, at the address(es) designated by said attorney(s) for that purpose by depositing a true copy of same enclosed in a postpaid properly addressed wrapper in an official depository under the exclusive care and custody of the United States Post Office Department within the State of New York.

Annexed Attorneys List

  
Elizabeth Streelman

Sworn to before me this 10<sup>th</sup>  
day of June, 2008

  
Notary Public

**ADAM C. YANOVER, ESQ.**  
NOTARY PUBLIC, State of New York  
No. 02YA6054379  
Qualified in Nassau County  
Commission Expires January 29, 2011

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Docket no.: 08-CV-1588

CANAL INSURANCE COMPANY,

Plaintiff,

-against-

GINETTI TRUCKING, LLC, a Connecticut Limited  
Liability Corporation, et. al.,

Defendants.

**VERIFIED ANSWER TO COMPLAINT FOR DECLARATORY RELIEF & INTERPLEADER**

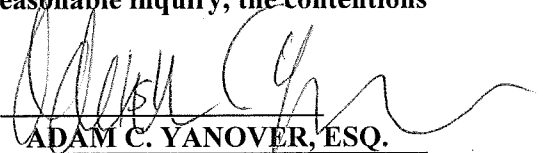
**YANOVER & YANOVER**

Attorney for defendant(s)  
50 Charles Lindbergh Boulevard, Suite 400  
Uniondale, NY 11553  
(516) 390-4735

Pursuant to 22 NYCRR 130-1.1, the undersigned, an attorney admitted to practice in the courts of New York State, certifies that, upon information and belief and reasonable inquiry, the contentions contained in the annexed document are not frivolous.

Dated:

Signature:



ADAM C. YANOVER, ESQ.

Service of a copy of the within  
Dated:

is hereby admitted.

\_\_\_\_\_  
Attorney for

**PLEASE TAKE NOTICE**

**NOTICE OF ENTRY**

☐

that the within is a (certified) true copy of a  
entered in the office of the clerk of the within named Court on

**NOTICE OF SETTLEMENT**

☐

that an Order of which the within is a true copy will be presented for settlement to the

Hon.  
Court,  
at  
on

one of the Judges of the within named

, at 9:30 A.M.

**YANOVER & YANOVER**

Attorney for Defendant(s)  
50 Charles Lindbergh Boulevard, Suite 400  
Uniondale, NY 11553  
(516) 390-4735